

**RECEIVED**  
DEC 24 2003  
TECH CENTER 1600/2900  
NOV 14 11 3:03**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Applicant : L. DUMOUTIER, et al.  
Serial No. : 09/751,797  
Filed : December 29, 2000  
For : ISOLATED NUCLEIC ACID MOLECULES WHICH  
ENCODE T CELL INDUCIBLE FACTORS (TIFs), THE  
PROTEINS ENCODED, AND USES THEREOF  
Art Unit : 1644  
Examiner : Philip Gambel

---

November 13, 2003

ATTN: Special Program Examiner TC 1600  
Hon. Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO MAKE SPECIAL  
(37 CFR § 1.102, MPEP § 708.02 (II))**

Pursuant to 37 CFR § 1.102 and MPEP § 708.02 (II), applicants are petitioning the USPTO to make this application special because of actual infringement. It is the applicants' belief that there is at least one infringing product on the market. Applicants have made a rigid comparison of the suspected infringing product(s) with the claims of the application and, in applicants' opinion, some of the pending claims are unquestionably infringed. Applicants have also made a careful and thorough search of the prior art.

Applicants have become aware of products sold by Peprotech, Inc. through its catalog, described as "Human IL-22" and "Murine IL-22," also known as "T cell-derived inducible factor (ILTIF)." The subject matter claimed in the above referenced application is known as ILTIF as well as IL-22. Applicants thus compared their instant claims against the Peprotech products, and have concluded that at least one claim is unquestionably infringed.

A comparison of the amino acid sequences of the Peprotech Human IL-22 and Murine IL-22 products with the specific amino acid sequences disclosed in the subject application shows that they are identical, with only one difference, i.e., Peprotech's products are devoid of the N-terminal's 1<sup>st</sup> 32 amino acids of applicants' disclosed amino acid sequence.

The Peprotech materials describe the proteins as "recombinant proteins." As such, their production must, by definition, rely on isolated nucleic acid molecules which encode the relevant proteins. This is precisely what applicants claim. Further, the absence of the first 32 amino acids in the Peprotech products is believed irrelevant. The identity of the Peprotech amino acid sequences with the amino acid sequence disclosed by applicants clearly suggest that the nucleic acid molecules used by Peprotech, have a complimentary sequence which would hybridize, under stringent conditions, to at least one of the nucleic acid molecules recited in applicants' claims. Pursuant to 35 USC §271(a), this "use" is considered infringement.

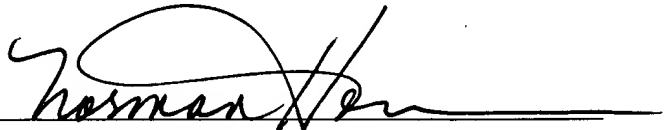
Applicants have also made a careful and thorough search of the prior art and refer to the information disclosure statement that was filed in this case on June 27, 2001, pursuant to 37 CFR § 156, § 1.97(c). Furthermore, Ebner et al. (US 2003/0003545 A1) is a U.S. patent application cited by the Examiner in this case. None of these references are believed by the applicants to be relevant, i.e., it is believed that the claims are patentable over these references.

Pursuant to 37 CFR 1.17(h), enclosed please find a filing fee for \$130.00. Authorization is given to make appropriate fee adjustments, if necessary to deposit account 500624 if the amount of the check is incorrect.

Favorable action on this petition is requested.

Respectfully submitted,

FULBRIGHT & JAWORSKI, L.L.P.

A handwritten signature in black ink, appearing to read "Norman D. Hanson", with a long horizontal line extending to the right.

Norman D. Hanson  
Registration No. 30, 946



## Product Search

Advanced Search

Product Index

New Products

Technical Information

Focus Articles

Links & Resources

Events

About PeproTech

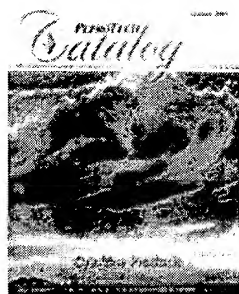
Contact Us

Login

Shopping Cart



Click Here to  
Order a Catalog



## Human Growth Factors & Cytokines

### Recombinant Human Interleukin-22

**Description :** Human IL-22 also known as T cell-derived inducible factor (IL-22), is a cytokine that is structurally related to IL-10. Studies have shown that IL-22 induces acute-phase reactants *in vitro* and *in vivo*. This suggests that this cytokine contributes to the regulation of inflammatory responses. Recombinant Human IL-22 is a 16.8 kDa protein consisting of 147 amino acid residues.

**Catalog #:** 200-22

**Source :** *E. coli*

**Formulation :** The sterile filtered solution was lyophilized from 1 mM NaCitrate, pH 4.0.

**Stability :** The lyophilized protein is stable for a few weeks at room temperature, but best stored at -20°C. Reconstituted IL-22 should be stored in working aliquots at -20°C.

**Purity :** Greater than 97% by SDS-PAGE. Endotoxin level less than 0.1 ng per µg (1EU/µg).

**Reconstitution :** We recommend a quick spin followed by reconstitution in water to a concentration of 0.1-1 mg/ml. It is recommended that further dilutions be made into buffer containing carrier protein or medium containing serum. This solution can then be diluted into other buffers and stored at 4°C for week or stored at -20°C for future use.

**Biological Activity :** Recombinant Human IL-22 activates STAT following receptor/ligand interaction.

**AA Sequence :** MAPISSHCRL DKSNFQQPYI TNRTFMLAKE  
ASLADNNTDV RLIGKLFHG VMSERCYLM  
KQVLNFTLEE VLFPQSDRFQ PYMQEVVPFL  
ARLSNRLSTC HIEGDDLHIQ RNVQKLKDTV  
KKLGESGEIK AIGELDLLFM SLRNACI

**PubMed Link :** [IL-22](#)



**Country of Origin :** USA

**Size A**

2 µg

\$65 US



<b>Size B</b>	10 µg	\$170 US	
<b>Size C</b>	1 mg	\$4800 US	

### Special Sizes:

Many products can be ordered in custom sizes.  
Please [click here](#) to contact Peprotech with your request.

---

[Product Index](#) • [New Products](#) • [Technical Information](#) • [Focus Articles](#) • [Links](#) • [Events](#) • [About](#) • [Contact](#) • [Login](#)

---

Order Online from our two international web sites:



**PeproTech Inc.** Cytokines for the Americas  
Princeton Business Park • 5 Crescent Ave. • P.O. Box 275 • Rocky Hill, NJ 08553  
**Tel:** (800) 436-9910 • (609) 497-0253 • **Fax:** (609) 497-0321  
**URL:** [www.peprotech.com](http://www.peprotech.com) • **E-mail:** [info@peprotech.com](mailto:info@peprotech.com) • [sales@peprotech.com](mailto:sales@peprotech.com)



**PeproTech EC Ltd.** Cytokines for Europe, Japan, and Asia  
PeproTech House • 29 Margravine Road • London W6 8LL • UK  
**Tel:** (0)20 7610 3055 • (0)20 7610 3062 • **Fax:** (0)20 7610 3430  
**URL:** [www.peprotechec.com](http://www.peprotechec.com) • **E-mail:** [info@peprotech.co.uk](mailto:info@peprotech.co.uk) • [tech@peprotech.co.uk](mailto:tech@peprotech.co.uk)

Order by phone or fax from our international offices:



**CytoLab Ltd.** Cytokines for the Middle East, Africa, Australia and Asia  
12 Hamada Street Biet Tamar entrance A • 2nd floor • Rehovot, Israel  
**Tel:** +972 (0) 8 946 0948 • **Fax:** +972 (0) 8 946 0861  
**URL:** [www.cytolab.com](http://www.cytolab.com) • **E-mail:** [info@cytolab.com](mailto:info@cytolab.com)



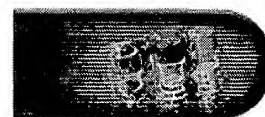
**PeproTech Canada, Inc.**  
2211 Riverside Drive • Suite 403 • Ottawa • K1H 7X5 • Canada  
**Tel:** (613) 739 0083 or (866) 846 2847 • **Fax:** (613) 739 5850  
**E-mail:** [peprotechcanada@on.aibn.com](mailto:peprotechcanada@on.aibn.com)



**Peprotech Mexico, S.A. DEC. V.**  
Juan Enriquez No. 128 • Atos 2/A • Colonia Flores Magon • 91900 • Veracruz, Ver, Mexico  
**Tel:** +52 (555) 604 5978 • **Fax:** +52 (555) 604 5995  
**E-mail:** [pepromex@prodigy.net.mx](mailto:pepromex@prodigy.net.mx)



**PeproTech Brazil FUNPEC**  
Rua Hudson 655 • 14.024-000 Ribeiro Preto • SP • Brazil  
**Tel/Fax:** +55 (16) 620 1251  
**URL:** [www.funpecrp.com.br](http://www.funpecrp.com.br) • **E-mail:** [funpecrp@uol.com.br](mailto:funpecrp@uol.com.br)



## Product Search

Advanced Search

Product Index

New Products

Technical Information

Focus Articles

Links & Resources

Events

About PeproTech

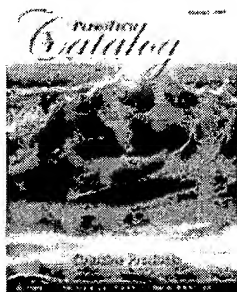
Contact Us

Login

Shopping Cart

PEPROTECH EC  
EUROPE, JAPAN,  
ASIA

Click Here to  
Order a Catalog



## Murine & Rat Growth Factors & Cytokines Recombinant Murine Interleukin-22

**Description :** Murine IL-22 also known as T cell-derived inducible factor (IL-22), is a cytokine that is structurally related to IL-10. Studies have shown that IL-22 induces acute-phase reactants *in vitro* and *in vivo*. This suggests that this cytokine contributes to the regulation of inflammatory responses. Recombinant Murine IL-22 is a 16.7 kDa protein consisting of 147 amino acid residues.

**Catalog #:** 210-22

**Source :** *E.coli*

**Formulation :** The sterile filtered solution was lyophilized from 1 mM NaCitrate, pH 4.0.

**Stability :** The lyophilized protein is stable for a few weeks at room temperature, but best stored at  $-20^{\circ}\text{C}$ . Reconstituted IL-22 should be stored in working aliquots at  $-20^{\circ}\text{C}$ .

**Purity :** Greater than 97% by SDS-PAGE and HPLC analyses. Endotoxin level is less than 0.1 ng per  $\mu\text{g}$  (1 EU/ $\mu\text{g}$ ).

**Reconstitution :** We recommend a quick spin followed by reconstitution in water to a concentration of 0.1–1.0 mg/ml. It is recommended that further dilution be made into buffer containing carrier protein or medium containing serum. This solution can then be stored at  $4^{\circ}\text{C}$  for 1 week or  $-20^{\circ}\text{C}$  for future use.

**Biological Activity :** No data available at this time.

**AA Sequence :** MLPVNTTRCKL EVSNFQQPYI VNRTFM LAKE  
ASLADNNTDV RLIGEKLF RG VSAKDQCYLM  
KQVLNFTLED VLLPQSDRFQ PYMQEVVPFL  
TKLSNQLSSC HISGDDQNIQ KNVRR LKETV  
KKLGESGEIK AIGELDLLFM SLRNACV

**PubMed Link :** [IL-22+AND+mouse](#)

**Country of Origin :** USA

<b>Size A</b>	2 $\mu\text{g}$	\$65 US	
<b>Size B</b>	10 $\mu\text{g}$	\$170 US	

**Size C**      1 mg      \$4800 US



### Special Sizes:

Many products can be ordered in custom sizes.  
Please [click here](#) to contact Peprotech with your request.

---

**Product Index • [New Products](#) • [Technical Information](#) • [Focus Articles](#) • [Links](#) • [Events](#) • [About](#) • [Contact](#) • [Login](#)**

---

Order Online from our two international web sites:



**PeproTech Inc.** Cytokines for the Americas

Princeton Business Park • 5 Crescent Ave. • P.O. Box 275 • Rocky Hill, NJ 08553

**Tel:** (800) 436-9910 • (609) 497-0253 • **Fax:** (609) 497-0321

**URL:** [www.peprotech.com](http://www.peprotech.com) • **E-mail:** [info@peprotech.com](mailto:info@peprotech.com) • [sales@peprotech.com](mailto:sales@peprotech.com)



**PeproTech EC Ltd.** Cytokines for Europe, Japan, and Asia

Peptide House • 29 Margravine Road • London W6 8LL • UK

**Tel:** (0)20 7610 3055 • (0)20 7610 3062 • **Fax:** (0)20 7610 3430

**URL:** [www.peprotech.co.uk](http://www.peprotech.co.uk) • **E-mail:** [info@peprotech.co.uk](mailto:info@peprotech.co.uk) • [tech@peprotech.co.uk](mailto:tech@peprotech.co.uk)

Order by phone or fax from our international offices:



**CytoLab Ltd.** Cytokines for the Middle East, Africa, Australia and Asia

12 Hamada Street Biet Tamar entrance A • 2nd floor • Rehovot, Israel

**Tel:** +972 (0) 8 946 0948 • **Fax:** +972 (0) 8 946 0861

**URL:** [www.cytolab.com](http://www.cytolab.com) • **E-mail:** [info@cytolab.com](mailto:info@cytolab.com)



**PeproTech Canada, Inc.**

2211 Riverside Drive • Suite 403 • Ottawa • K1H 7X5 • Canada

**Tel:** (613) 739 0083 or (866) 846 2847 • **Fax:** (613) 739 5850

**E-mail:** [peprotechcanada@on.aibn.com](mailto:peprotechcanada@on.aibn.com)



**Peprotech Mexico, S.A. DEC. V.**

Juan Enriquez No. 128 • Atos 2/A • Colonia Flores Magon • 91900 • Veracruz, Ver, Mexico

**Tel:** +52 (555) 604 5978 • **Fax:** +52 (555) 604 5995

**E-mail:** [pepromex@prodigy.net.mx](mailto:pepromex@prodigy.net.mx)



**PeproTech Brazil FUNPEC**

Rua Hudson 655 • 14.024-000 Ribeirão Preto • SP • Brazil

**Tel/Fax:** +55 (16) 620 1251

**URL:** [www.funpecrp.com.br](http://www.funpecrp.com.br) • **E-mail:** [funpecrp@uol.com.br](mailto:funpecrp@uol.com.br)